IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 4024 of 2004

Between:

P. Kondal Reddy, S/o. Subba Reddy,
Podalakondapalli Village, Giddalur Mandal,
Prakasam District.

..... PETITIONER

AND

1 The Collector, Ongole, Prakasam District.
2 The Joint Collector, Ongole, Prakasam District
3 The Revenue Divisional Officer, Markapur, Prakasam District
4 The Mandal Revenue Officer, Giddaluru Mandal, Prakasam District

5 Ch.Venkateshwar Reddy, S/o Chinna Nerapa Reddy,

Aged about 40 years, Occ:F.P.Shop Dealer,

R/o Polalakondapalli (v), Giddalur Mandal, Prakasam District.

(R.5 is impleaded as per Court order dated 20-07-2004

in WPMP.No.6777 of 2004)

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ Order or Direction more particularly one in the nature of WRIT OF MANDAMUS, to declare the impugned order D.Dis. (CS2)/1687/2003, dt.05-02-2004 of the 1st respondent and consequential order R.C.H/199/2004, dt.23-02-2004 of the 3rd respondent, as illegal, arbitrary, against to the principles of natural justice and consequently set aside the order dt.05-02-2004 vide D.Dis(CS2)/1687/2003 of the 1st respondent and the consequential order dt.23-02-2004 vide R.C.H./199/2004

of the 3rd respondent.

Counsel for the Petitioner: MR.K.ARUNA

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following Order:

Heard both the learned counsel and at their request, the writ petition itself is taken up for disposal.

Petitioner herein who is a Fair Price Shop Dealer seeks to assail the impugned orders dated 5-2-2004 where under bifurcation is sought to be affected. Though several contentions have urged in regard to the viability, however, having regard to the fact that the petitioner has a right of revision under Clause 21 of A.P.State Public Distribution System Control Order, 2001 to the Commissioner, Civil Supplies, this writ petition is not maintainable.

Accordingly, this writ petition is dismissed as not maintainable with a liberty to the petitioner to avail the remedy of revision within a period of two weeks from today and on receipt of the same, the same shall be disposed of by the Commissioner, Civil Supplies on its own merits, in accordance with law after giving notice and opportunity to both the parties. It is needless to mention that the interim orders granted by this Court shall continue pending disposal of the revision by the Commissioner, Civil Supplies. However, if no revision is filed within the time granted above, it is deemed that the interim orders are vacated. No costs.

30—09—2004.

Stv/-

To

1 The Collector, Ongole, Prakasam District.

2 The Joint Collector, Ongole, Prakasam District
3 The Revenue Divisional Officer, Markapur, Prakasam District
4 The Mandal Revenue Officer, Giddaluru Mandal, Prakasam District

5 Two C.Cs. to the Government Pleader for Home, High Court Buildings, A.P. Hyderabad (OUT).

6 Two C.D. Copies.